

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Johan R. de Faire :  
: Confirmation No.: 9183  
Application No.: 09/549,642 :  
: Filed: April 14, 2000 :  
: For: REMOVING DENTAL PLAQUE WITH :  
: KRILL ENZYMES :

**RENEWED PETITION PURSUANT TO 37 C.F.R. §1.182 FOR ENTRY OF AN  
AMENDMENT IN AN ABANDONED APPLICATION IN ORDER TO  
PERFECT CLAIMS TO BENEFIT UNDER 35 U.S.C. §§120 and 365(c)**

Mail Stop Petition  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.182, and in response to dismissal of applicant's previous petition by a Decision on Petition dated April 26, 2007, applicant hereby renews its petition for entry of the enclosed amendment in the above-identified abandoned patent application for the purpose of correcting claims for the benefit of earlier-filed applications under 35 U.S.C. §§120 and 365(c). In the Decision on Petition dated April 26, 2007, it was indicated that, "Before the petition... can be granted, a renewed petition under 37 C.F.R. §1.182 and a proper amendment, which states the relationship of the prior-filed applications to this application, are required." Applicant hereby submits a renewed petition and a proper amendment stating the relationship of the prior filed applications to this application. Favorable consideration, grant of the petition and entry of the enclosed amendment is requested.

Adjustment date: 11/06/2007 CKHLOK  
01/16/2007 INTEFSW 00000119 500462 09549642  
01 FC:1464 130.00 CR

Adjustment date: 11/06/2007 CKHLOK  
05/14/2007 INTEFSW 00000645 500462 09549642  
01 FC:1464 130.00 CR

09549642  
00000006 500462  
01 FC:1462 400.00 DA  
01 FC:1462

The Director has been authorized concurrently herewith to charge the fee of \$130.00 for this petition to Deposit Account No. 50-0462. No other fees are believed to be due in connection with this petition. However, if any additional fee is due, the Director is authorized to charge Deposit Account No. 50-0462.

**A. Facts and Evidence in Support of the Petition**

**1. Amendment of Abandoned Applications is Permitted**

Amendment of abandoned patent applications is permitted to insert a specific reference to an earlier-filed, co-pending application for the purpose of correcting the claim for the benefit of one or more earlier-filed applications under 35 U.S.C. §120. See *Sampson v. Commissioner of Patents and Trademarks*, 195 U.S.P.Q. 136 (D.C.D.C. 1976). In that case, the applicant was permitted to insert a specific reference to an earlier-filed, co-pending application in several abandoned applications in order to correct the claim for benefit of one or more earlier-filed applications under 35 U.S.C. §120. This was done for the purpose of perfecting a claim for benefit of one or more earlier-filed applications under 35 U.S.C. §120 in an issued patent, which relied on those abandoned applications to establish the chain of co-pendency required for a valid claim for benefit under 35 U.S.C. §120.

**2. Entry of the Amendment is Required to Perfect the Claims for Benefit**

In the present case, the applicant inadvertently failed to include in the first sentence of the specification, a specific reference to two (2) earlier-filed, co-pending applications as was required by 37 C.F.R. §1.78 (a) in effect at the time of this application, in order to perfect a claim for benefit under 35 U.S.C. §120 and 35 U.S.C. §365(c). The two, earlier-filed, co-pending applications for which benefit is claimed are U.S. patent application no. 08/338,501, filed on November 22, 1994, now abandoned, and International application no. PCT/SE93/00455, filed on May 21, 1993, designating the United States.

The specific reference to the earlier-filed applications was inadvertently not included in the first sentence of the above-identified application.

In order to perfect the claims for benefit under 35 U.S.C. §§120 and 365(c) in the

on November 22, 1994, was co-pending with the great-great grandparent application no 08/385,540, filed on February 8, 1995, for the present application, for which benefit has also been claimed via the co-pending parent, grandparent and great-grandparent applications, and , the present application has the same inventor as the three earlier-filed applications, and International application no. PCT/SE93/00455, filed on May 21, 1993, designating the United States was copending with U.S. patent application no. 08/338,501, filed on November 22, 1994; and the present application contains disclosure in common with the earlier-filed applications. Accordingly, entry of the attached Amendment adding specific references to the earlier-filed applications is requested in order to receive the benefit of the earlier filing dates.

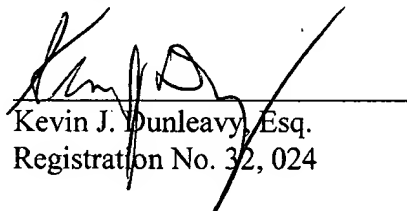
**C. Relief Sought**

Favorable consideration, granting of this petition and entry of the enclosed Amendment in the above-identified abandoned U.S. patent application is requested.

Respectfully submitted,

Date: May 11, 2007

By:

  
Kevin J. Dunleavy, Esq.  
Registration No. 32, 024

Customer No. 21,302  
KNOBLE YOSHIDA & DUNLEAVY, LLC  
Eight Penn Center, Suite 1350  
1628 John F. Kennedy Boulevard  
Philadelphia, PA 19103  
Tel: 215-599-0600  
Fax: 215-599-0601  
e-mail: [kjdunleavy@patentwise.com](mailto:kjdunleavy@patentwise.com)